

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	
<p>FRANCESCO PORTELOS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF EDUCATION; DENNIS WALCOTT, CHANCELLOR OF NEW YORK CITY DEPARTMENT OF EDUCATION; LINDA HILL, PRINCIPAL OF I.S. 49, IN HER OFFICIAL AND INDIVIDUAL CAPACITY; ERMINIA CLAUDIO, IN HER OFFICIAL AND INDIVIDUAL CAPACITY AS DISTRICT SUPERINTENDENT,</p> <p style="text-align: center;">Defendants.</p>	<p>DECLARATION OF BRYAN D. GLASS, ESQ., IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' SUMMARY JUDGMENT MOTION</p> <p>12 CV 3141 (LDH)(VS)</p>

BRYAN D. GLASS, ESQ., declares, pursuant to 28 U.S.C. Section 1746 and subject to penalties of perjury, that the following is true and correct:

1. I am attorney for Plaintiff in the above-referenced action.
2. I submit this declaration in opposition to Defendants' motion for summary judgment.
3. Annexed hereto as Exhibit 1 is an October 21, 2011 recommendation letter from Linda Hill for Francesco Portelos.
4. Annexed hereto as Exhibit 2 is a June 8, 2012 email from Sarah Blanchard to Linda Hill.
5. Annexed hereto as Exhibit 3 is the SLT meeting agenda for December 13, 2011.

6. Annexed hereto as Exhibit 4 is a screenshot of the school's final 2011-12 CEP saved on 12/1/11.
7. Annexed hereto as Exhibit 5 is relevant excerpts of 11/7/13 transcript testimony from Plaintiff's 3020-a disciplinary trial.
8. Annexed hereto as Exhibit 6 is relevant excerpts of PERB transcript testimony from Plaintiff's PERB hearing from 3/7/13.
9. Annexed hereto as Exhibit 7 is a May 2012 email chain between Michelle Nacht and Andrew Gordon regarding Plaintiff's reassignment.
10. Annexed hereto as Exhibit 8 is DOE Chancellor's Regulation C-770.
11. Annexed hereto as Exhibit 9 is a relevant excerpt of Defendants' supplemental response to Plaintiff's discovery demands, dated October 24, 2014.
12. Annexed hereto as Exhibit 10 is a screenshot of Chancellor Dennis Walcott on Good Day New York on the Fox station discussing Plaintiff.
13. Annexed hereto as Exhibit 11 is a screenshot of Jennifer Wolfson's teaching certification status with the New York State Education Department.
14. Annexed hereto as Exhibit 12 is a relevant excerpt of 11/7/13 transcript testimony from Plaintiff's 3020-a disciplinary trial.
15. Annexed hereto as Exhibit 13 is an 10/1/13 email exchange between Lawrence Scott and Candace McLaren regarding investigations concerning AP Denise Diacomanolis and a 11/6/13 email exchange about an investigation of Principal Linda Hill.
16. Annexed hereto as Exhibit 14 is an NYCDOE report of a list of investigations against AP Denise Diacomanolis suggesting one for corporal punishment was substantiated.

17. Annexed hereto as Exhibit 15 is a relevant excerpt of 11/21/13 transcript testimony from Plaintiff's 3020-a disciplinary trial.
18. Annexed hereto as Exhibit 16 is a 12/14/11 email from James Calantjis to Plaintiff about SLT regulations subsequently forwarded by Plaintiff to UFT chapter chair Richard Candia.
19. Annexed hereto as Exhibit 17 is an excerpt of deposition testimony from Susanne Abramowitz who was deposed on 6/3/13.
20. Annexed hereto as Exhibit 18 is another excerpt of deposition testimony from Susanne Abramowitz who was deposed on 6/3/13.
21. Annexed hereto as Exhibit 19 is a relevant excerpt of 9/23/13 transcript testimony from Plaintiff's 3020-a disciplinary trial.
22. Annexed hereto as Exhibit 20 is a 6/10/14 OSI **substantiated** investigative report regarding Linda Hill's misconduct from Investigator Lawrence Scott.
23. Annexed hereto as Exhibit 21 is a 10/2/14 response from DOE's FOIL officer concerning a disciplinary letter against Linda Hill.
24. Annexed hereto as Exhibit 22 is relevant excerpts of Plaintiff's PERB transcript testimony from Plaintiff's PERB hearing from 3/20/14.
25. Annexed hereto as Exhibit 23 is a summary of Linda Hill's per session overtime hours submitted to SCI and OSI created on 2/26/15.
26. Annexed hereto as Exhibit 24 is an email forwarded by Plaintiff to Superintendent Claudio from Linda Hill dated 1/29/12.

27. Annexed hereto as Exhibit 25 is a transcript of audio from Plaintiff's SCI Whistleblower interview on June 5, 2012, Tape D 14-2188 Side A.
28. Annexed hereto as Exhibit 26 is a transcript of audio from Plaintiff's SCI Whistleblower interview on June 5, 2012, Tape D 14-2188 Side B.
29. Annexed hereto as Exhibit 27 is a memo of SCI investigator Robert Laino dated 2/6/12 regarding intake of allegations against Plaintiff.
30. Annexed hereto as Exhibit 28 is a 3/11/14 letter from SCI to Arbitrator Felice Busto regarding recanting false testimony of SCI at Plaintiff's 3020-a trial.
31. Annexed hereto as Exhibit 29 is a 10/29/13 excerpt of Plaintiff's 3020-a trial concerning testimony of Joanne Aguirre.
32. Annexed hereto as Exhibit 30 is a 3/24/12 email from Plaintiff to the DOE FOIL officer.
33. Annexed hereto as Exhibit 31 is an excerpt of a 5/16/13 deposition of former DOE Executive Director of Employee Relations Andrew Gordon.
34. Annexed hereto as Exhibit 32 is a March 18, 2012 email from Superintendent Claudio.
35. Annexed hereto as Exhibit 33 is a redacted thread of emails between DOE attorneys from March to April 2012.
36. Annexed hereto as Exhibit 34 is March 17, 2015 testimony of Principal Hill from Plaintiff's PERB hearing.
37. Annexed hereto as Exhibit 35 is March 17, 2015 testimony of Principal Hill from Plaintiff's PERB hearing.

38. Annexed hereto as Exhibit 36 is a copy of an April 18, 2012 email from Plaintiff to IS 49 staff members that caused him to be reassigned from the school.

39. Annexed hereto as Exhibit 37 is a March 26, 2014 memo from Kings County District Attorney's office.

40. Annexed hereto as Exhibit 38 is a March 29, 2013 letter from DOE General Counsel pertaining to a Freedom of Information Law request appeal.

Dated: New York, New York
June 1, 2016

GLASS KRAKOWER LLP

By: _____s/_____

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